

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

KAREN SINCLAIR, individually and  
as Guardian Ad Litem for K.S. and J.A.,  
minor children; and JULIAN AL-  
GHAMDI;

Plaintiffs,

v.

CITY OF GRANDVIEW, a municipal  
corporation in the State of Washington,  
et al.,

Defendants.

NO: CV-12-3041-RMP

ORDER GRANTING IN PART  
DEFENDANT MARK NEGRETE'S  
MOTION FOR SUMMARY  
JUDGMENT

**BEFORE THE COURT** is a motion for summary judgment filed by Defendant Mark Negrete, ECF No. 150. The Court heard oral argument on the motion. Darryl Parker appeared on behalf of Plaintiffs, Karen Sinclair, Julian Al-Ghadmi, and minor children K.S. and J.A. Thomas P. Miller appeared on behalf of Defendant Mark Negrete. The Court has considered the briefing and supporting documentation and is fully informed.

ORDER GRANTING IN PART DEFENDANT NEGRETE'S MOTION FOR  
SUMMARY JUDGMENT ~ 1

## BACKGROUND

The Court previously entered an Order granting in part a motion for summary judgment filed by Defendants City of Grandview, Michael Akins, Kal Fuller, John Arraj, Rick Abarca, Mitch Fairchild, Kevin Glasenapp, Travis Shepard, Seth Bailey, Robert Tucker, and Therese Murphy (“City and County Defendants”). The Court determined that all City and County Defendants except for Detective Michael Akins were entitled to summary judgment on all of Plaintiffs’ claims against them. ECF No. 175.

The Court further granted summary judgment in favor of Detective Akins on all of Plaintiffs’ claims except for those based on Detective Akins’ act of obtaining a warrant to search Plaintiffs’ home for evidence of marijuana trafficking and for malicious prosecution on a charge of marijuana trafficking. ECF No. 175, at 52-53. The Court found that Plaintiffs successfully defended against summary judgment on their claims that Detective Akins employed judicial deception in obtaining the warrant for drug trafficking and engaged in malicious prosecution for the same.

Defendant Negrete is represented by separate counsel and filed his own motion for summary judgment. The basic facts relevant to Defendant Negrete’s motion for summary judgment are set forth in the Court’s order on the City and County Defendants’ motion for summary judgment. ECF No. 175, at 2-12. The

1 following supplemental facts are specific to Defendant Negrete's alleged  
2 culpability.

3 Detective Akins' search warrant affidavit included a recounting of a phone  
4 call that Detective Negrete states that he made on September 17, 2009. During the  
5 phone call, Mr. Al Ghamdi allegedly agreed to sell methamphetamine or cocaine to  
6 Detective Negrete, who was using an assumed identity. Detective Negrete testified  
7 at his deposition and in other declarative materials that he reviewed the portion of  
8 Detective Akins' search warrant affidavit relating to the phone call prior to  
9 Detective Akins' submitting the search warrant affidavit to the judge for approval.  
10 ECF No. 153, at 5; ECF No. 158, at 37-38; ECF No. 163-1, at 4.

11 Detective Negrete also explained that he entered Plaintiffs' home in the third  
12 or fourth position of the entry team when the search warrant was executed. ECF  
13 No. 153, at 5. Detective Negrete further explained that he kept his firearm in the  
14 "SUL position"<sup>1</sup> as he entered Plaintiffs' home and did not point his firearm at any  
15 of the Plaintiffs at any time. ECF No. 153, at 5. Detective Negrete declared that  
16 he did not see any of the officers pointing a weapon at Plaintiffs. ECF No. 153, at  
17 6. Finally, Detective Negrete stated that he did not arrest or handcuff Plaintiffs and  
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19 <sup>1</sup> When a firearm is held in the "SUL position," the officer holds the weapon close  
20 to his chest with his index finger outside the trigger guard and the barrel facing  
down toward the ground. ECF No. 153 at 5-6.

1 had no further involvement in the case following the execution of the search  
2 warrant. ECF No. 153, at 6.

3 Plaintiffs' Amended Complaint states causes of action against Detective  
4 Negrete under 42 U.S.C. § 1983 for multiple alleged violations of their civil rights.  
5 Specifically, Plaintiffs asserted claims relating to the issuance of the warrant to  
6 search their home, the manner in which the search warrant was conducted, and the  
7 subsequent arrests of Plaintiffs Mr. Al Ghamdi and Ms. Sinclair. ECF No. 3, at  
8 11-15. Plaintiffs' Amended Complaint additionally lists a cause of action for  
9 malicious prosecution. ECF No. 3, at 15-16. Plaintiffs' Amended Complaint  
10 seeks compensatory and punitive damages. ECF No. 3, at 19. Detective Negrete  
11 now moves for summary judgment on all of Plaintiffs' claims against him.

## 12 ANALYSIS

13 Summary judgment is appropriate when there are no genuine issues of  
14 material fact and the moving party is entitled to judgment as a matter of law.  
15 Federal Rule of Civil Procedure 56(a). A "material" fact is one that is relevant to  
16 an element of a claim or defense and whose existence might affect the outcome of  
17 the suit. *T.W. Elec. Serv. v. Pacific Elec. Contractors Ass'n*, 809 F.2d 626, 630  
18 (9th Cir. 1987). The party asserting the existence of a material fact must show  
19 "sufficient evidence supporting the claimed factual dispute . . . to require a jury or  
20 judge to resolve the parties' differing versions of the truth at trial." *Id.* (quoting

1 *First Nat'l Bank v. Cities Serv. Co.*, 391 U.S. 253, 288-89 (1968)). The mere  
2 existence of a scintilla of evidence is insufficient to establish a genuine issue of  
3 material fact. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 252 (1986).

4 The moving party bears the initial burden of demonstrating the absence of a  
5 genuine issue of material fact. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323  
6 (1986). If the moving party meets this challenge, the burden then shifts to the non-  
7 moving party to “set out specific facts showing a genuine issue for trial.” *Id.* at  
8 324 (internal quotations omitted). The nonmoving party “may not rely on denials  
9 in the pleadings, but must produce specific evidence, through affidavits or  
10 admissible discovery material, to show that the dispute exists.” *Bhan v. NME*  
11 *Hosps., Inc.*, 929 F.2d 1404, 1409 (9th Cir. 1991). In deciding a motion for  
12 summary judgment, the court must construe the evidence and draw all reasonable  
13 inferences in the light most favorable to the nonmoving party. *T.W. Elec. Serv.*,  
14 809 F.2d at 631-32.

15 The doctrine of qualified immunity protects government officials, including  
16 police officers, from liability when their conduct “does not violate clearly  
17 established statutory or constitutional rights of which a reasonable person would  
18 have known.” *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982). Qualified  
19 immunity is “an immunity from suit rather than a mere defense to liability” and is  
20 “effectively lost if a case is erroneously permitted to go to trial.” *Mitchell v.*

1 *Forsyth*, 472 U.S. 511, 526 (1985). Thus, the court must resolve questions of  
2 qualified immunity “at the earliest possible stage in the litigation.” *Hunter v.*  
3 *Bryant*, 502 U.S. 224, 227 (1991) (per curiam).

4 A police officer is entitled to qualified immunity in a § 1983 action unless  
5 (1) the facts, when taken in the light most favorable to the plaintiff, show that the  
6 officer’s conduct violated a constitutional right; and (2) the right was clearly  
7 established at the time of the alleged misconduct. *Saucier v. Katz*, 533 U.S. 194,  
8 201 (2001), *overruled on other grounds by Pearson v. Callahan*, 555 U.S. 223  
9 (2009).

10 Detective Negrete asserts that he is entitled to qualified immunity on each of  
11 Plaintiffs’ substantive claims against him, and that Plaintiffs may not seek punitive  
12 damages against Detective Negrete. Each of these issues is examined in turn.

13 **A. Issuance of the search warrant**

14 Plaintiffs previously contended that Detective Akins and Prosecutor Murphy  
15 employed judicial deception in obtaining the warrant to search Plaintiffs’ home.  
16 Plaintiffs alleged that Detective Akins’ revised search warrant affidavit contained  
17 numerous falsifications and omissions, including allegedly false statements by  
18 Detective Negrete, and that if the warrant were reformed to exclude the false  
19 information and to include the omitted information, the warrant affidavit would not  
20

1 have established probable cause to search Plaintiffs' home for evidence of drug  
2 trafficking.

3 To survive summary judgment on a claim of judicial deception, a plaintiff  
4 must (1) make "a substantial showing of deliberate falsehood or reckless disregard  
5 for the truth," and (2) "establish that but for the dishonesty, the challenged action  
6 would not have occurred." *Butler v. Elle*, 281 F.3d 1014, 1024 (9th Cir. 2002) (per  
7 curiam) (internal quotations and citations omitted); *see also KRL v. Moore*, 384  
8 F.3d 1105, 1117 (9th Cir. 2004) (stating that a plaintiff "must show that the  
9 defendant deliberately or recklessly made false statements or omissions that were  
10 material to the finding of probable cause"). An officer would not be entitled to  
11 qualified immunity on a judicial deception claim because "no reasonable officer  
12 could believe that it is constitutional to act dishonestly or recklessly with regard to  
13 the basis for probable cause in seeking a warrant." *E.g., Butler*, 281 F.3d at 1024.  
14 The Court previously found that Plaintiffs' claim of judicial deception survived  
15 summary judgment as against Detective Akins, but that Prosecutor Murphy was  
16 entitled to summary judgment because Plaintiffs had not introduced any evidence  
17 showing that Prosecutor Murphy would have known whether Detective Akins  
18 provided false or misleading information in the warrant affidavit. ECF No. 175, at  
19 19-35. The Court relies on its analysis in its previous order in finding, for the  
20 purposes of this motion, that Plaintiffs have made a substantial showing that

1 Detective Akins' search warrant affidavit contained deliberately or recklessly made  
2 falsehoods or omissions that were material to a finding of probable cause to search  
3 Plaintiffs' home for evidence of drug trafficking.

4 In arguing against summary judgment on the instant motion, Plaintiffs  
5 contend that Detective Negrete assisted Detective Akins in allegedly employing  
6 judicial deception. Detective Akins' search warrant affidavit primarily focused on  
7 Plaintiffs' act of growing marijuana in their backyard, which arguably would have  
8 supported only a search warrant for evidence of manufacturing and possession of  
9 marijuana. Presumably to establish probable cause to search for evidence of drug  
10 trafficking, Detective Akins included statements from a citizen informant,  
11 statements from anonymous "neighbors in the area" about the volume of traffic at  
12 Plaintiffs' residence, and a recitation of the phone call Detective Negrete allegedly  
13 placed on September 17, 2009, during which Mr. Al Ghamdi allegedly agreed to  
14 sell drugs.

15 In opposition to the motion for summary judgment, Plaintiffs introduced  
16 deposition testimony from the citizen informant, Gloria Alaniz and her daughter,  
17 Josie Alaniz, directly contradicting many of the statements attributed to the citizen  
18 informant in the warrant affidavit, including that neither Gloria nor Josie had ever  
19 told Detective Akins that Plaintiffs had marijuana for sale. ECF No. 100-10; at 6,  
20 8-9; ECF No. 141, at 12, 21. Further, Plaintiffs submitted the declarations of Ms.



1 Sinclair and Mr. Al-Ghamdi, ECF Nos. 103, 104, and the deposition testimony of  
2 Detective Negrete, ECF No. 100-8, to demonstrate that the warrant contained  
3 deliberate or reckless falsifications or omissions regarding Detective Negrete's  
4 phone call.

5 Regarding the phone call, Detective Akins' search warrant affidavit stated  
6 the following:

7 [O]n September 17, 2009, Detective Negrete of the LEAD Task Force,  
8 acting in a[n] undercover capacity, called the ALGHAMDI and  
9 SINCLAIR residence. A person who identified herself as Karen  
10 (SINCLAIR) answered the phone. Detective Negrete requested to  
11 purchase drugs. Karen stated that she would put Julian  
12 (ALGHAMDI) on the phone. A person who stated that he was Julian  
13 answered. Detective Negrete, using an assumed identity, requested to  
14 purchase drugs. Julian stated that they were out but would be re  
15 supplying tomorrow afternoon and he would sell then. Based on the  
16 conversation with Julian, the assumed identity Detective Negrete used  
17 apparently used a drug other than marijuana. Based on the  
18 conversation with Julian, Detective Negrete believes that Julian was  
19 agreeing to sell methamphetamine or cocaine.

20 ECF No. 158, at 52.

However, Detective Negrete testified in his deposition that Detective Akins  
had supplied him with a phone number and assumed identity and asked him to  
purchase drugs. ECF No. 100-8, at 21-24, 29. Detective Negrete further testified  
that he was not familiar with and had never met Plaintiffs at the time that he placed  
the phone call, and did not know their voices. ECF No. 100-8, at 7, 25-27, 33.  
Detective Negrete acknowledged that it "could have been anybody" that he called

1 and that he did not actually know if the woman was Ms. Sinclair or the man was  
2 Mr. Al-Ghamdi. ECF No. 100-8, at 33. Nor did either Ms. Sinclair or Mr. Al-  
3 Ghamdi affirmatively identify themselves as stated in the warrant affidavit;  
4 Detective Negrete instead testified that he asked for “Julian” when a female voice  
5 answered the phone, and that he presumed that the man who came to the phone  
6 was Julian Al-Ghamdi. *Id.*

7 In addition, Detective Negrete admitted that he never attempted to purchase  
8 drugs from Ms. Sinclair. ECF No. 163-1. It was not until after “Julian” was put on  
9 the phone that Detective Negrete allegedly asked to purchase drugs. ECF No. 100-  
10 8, at 30.

11 Detective Negrete did not record the phone conversation and took no notes  
12 of the conversation, even though the detective testified that it was often his practice  
13 to do one or the other. ECF No. 100-8, at 16-19, 32. There were no witnesses to  
14 Detective Negrete’s phone call. ECF No. 108, at 21. Detective Negrete also could  
15 not recall what phone number he called or what his assumed identity was, although  
16 this point is hardly surprising given that his deposition occurred years after the  
17 events in question. Detective Negrete further testified at his deposition that there  
18 was no discussion of the amount or price of the drugs, and that the planned  
19 exchange never took place because the search warrant was served before the  
20 arranged time for the alleged drug transaction. ECF No. 100-8, at 31-32, 35. For

1 their part, Ms. Sinclair and Mr. Al Ghamdi each declared that they have never  
2 offered to buy or sell drugs and never received a phone call from anyone asking for  
3 marijuana or other drugs. ECF No. 103, at 2; ECF No. 104, at 5.

4 Plaintiffs' submissions establish a substantial showing of deliberate  
5 falsehood or reckless disregard for the truth in that portion of Detective Akins'  
6 search warrant affidavit relating to Detective Negrete's alleged phone call. The  
7 materiality of allegedly false statements or omissions is a matter for the court to  
8 determine. *Ewing v. City of Stockton*, 588 F.3d 1218, 1224 (9th Cir. 2009) (citing  
9 *KRL*, 384 F.3d at 1117). Statements about offers to distribute drugs to other people  
10 is material to establishing probable cause for a search warrant for evidence of drug  
11 trafficking. Detective Negrete testified that prior to Detective Akins' submitting  
12 the search warrant affidavit for approval, Detective Negrete reviewed the portion  
13 of Detective Akins' warrant affidavit relating to the September 17, 2009, phone  
14 call, and did not make or suggest any changes. ECF No. 153, at 5; ECF No. 158,  
15 at 37-38; ECF No. 163-1, at 4.

16 Plaintiffs have made a substantial showing that Detective Negrete  
17 deliberately or recklessly made false statements or omissions in the search warrant  
18 affidavit that were material to the finding of probable cause to search Plaintiffs'  
19 home for evidence of drug trafficking. *See Butler*, 281 F.3d at 1024. Therefore,

1 Detective Negrete is not entitled to summary judgment on Plaintiffs' claims of  
2 judicial deception in obtaining the warrant to search Plaintiffs' home.

3 **B. Execution of the search warrant**

4 Plaintiffs also assert that the officers serving the search warrant on their  
5 home failed to knock and announce their presence prior to entry and used  
6 excessive force in the process of executing the search warrant and arresting  
7 Plaintiffs, Mr. Al Ghamdi and Ms. Sinclair. Plaintiffs allege that officers pointed  
8 their guns at Plaintiffs during the entry into the home and that the officers tightly  
9 handcuffed Mr. Al Ghamdi despite the handcuffs' causing pain in Mr. Al  
10 Ghamdi's wrist due to a chronic condition.

11 The Court previously granted summary judgment in favor of the City and  
12 County Defendants on this claim, finding that even when the facts were viewed in  
13 the light most favorable to Plaintiffs, the Defendants' conduct did not amount to a  
14 violation of a clearly established right. ECF No. 175, at 35-44.

15 Detective Negrete testified that he did not point his weapon at any of the  
16 Plaintiffs and was not involved in handcuffing any of the Plaintiffs. ECF No. 153  
17 at 5-6. Plaintiffs do not allege any specific conduct on the part of Detective  
18 Negrete in regards to their claims of excessive force. In addition, even if Detective  
19 Negrete momentarily pointed his gun at Ms. Sinclair or Mr. Al Ghamdi's body  
20 upon entering the residence, such action would not amount to a clearly established

1 violation of Plaintiffs' rights as set forth in the Court's previous order on summary  
2 judgment. ECF No. 175, at 38-41. Therefore, Detective Negrete is entitled to  
3 summary judgment on the claim of excessive force.

4 Similarly, Detective Negrete is entitled to summary judgment on Plaintiffs'  
5 claims that the officers failed to knock and announce their presence before entering  
6 Plaintiffs' home. As the Court previously ruled, even if Plaintiffs have succeeded  
7 in raising a genuine issue of material fact as to whether officers knocked and  
8 announced their presence prior to entry, the officers reasonably could have  
9 believed that exigent circumstances justified a no-knock entry into Plaintiffs'  
10 residence. ECF No. 175, at 42-44. Therefore, Detective Negrete is entitled to  
11 qualified immunity on Plaintiffs' claims regarding the manner in which the search  
12 warrant was executed.

### 13 **C. Plaintiffs' arrest**

14 Plaintiffs contend that they were arrested without probable cause, in  
15 violation of the Fourth Amendment. However, as explained in the Court's Order  
16 regarding the City and County Defendants' motion for summary judgment, the  
17 arresting officers had probable cause to believe that Mr. Al Ghamdi and Ms.  
18 Sinclair were manufacturing and possessing marijuana in violation of Washington  
19 law. ECF No. 175, at 44-45. Therefore, no constitutional violation occurred as a  
20 result of Mr. Al Ghamdi and Ms. Sinclair's arrest, and Detective Negrete is entitled

1 to summary judgment on this claim. *See Edgerly v. City & Cnty. of San Francisco*,  
2 599 F.3d 946, 954 (9th Cir. 2010) (Fourth Amendment is not violated by arresting  
3 a suspect “so long as the arresting officers had probable cause to arrest the suspect  
4 for any criminal offense”).

#### 5 **D. Failure to Prevent Civil Rights Violations**

6 Plaintiffs’ Amended Complaint states a cause of action against all officer  
7 defendants, including Detective Negrete, for failing to prevent civil rights  
8 violations. ECF No. 3, at 14-15. Detective Negrete asserts that he is entitled to  
9 summary judgment on this claim because no constitutional violations occurred.  
10 Alternatively, Detective Negrete argues that even if his fellow officers committed  
11 constitutional violations, he did not observe such violations, and, thus, had no  
12 opportunity to intercede.

13 A police officer may be liable as a bystander for failing to intercede and  
14 prevent their fellow officers from violating a citizen’s constitutional rights. *See*  
15 *Ramirez v. Butte-Silver Bow Cnty.*, 298 F.3d 1022, 1029-30 (9th Cir. 2002).  
16 However, an officer must have the opportunity to intercede before he may be held  
17 liable under this theory. *Cunningham v. Gates*, 229 F.3d 1271, 1289-90 (9th Cir.  
18 2000).

19 The Court previously held that the other defendant officers were entitled to  
20 summary judgment on Plaintiffs’ claims for failing to intercede, because the Court

1 found that the only actionable civil rights violation was Detective Akins' alleged  
2 judicial deception to obtain the search warrant, and the other officer defendants  
3 would have had no way of knowing whether Detective Akins obtained the warrant  
4 through judicial deception. ECF No. 175, at 49-50.

5 Although Detective Negrete is entitled to summary judgment on this claim  
6 as it relates to Plaintiffs' allegations of excessive force and false arrest, Detective  
7 Negrete is not entitled to summary judgment on the claim of judicial deception  
8 because he was involved in Detective Akins' obtaining the search warrant.

9 Unlike the other officer defendants, Detective Negrete was involved in the  
10 investigation leading up to Detective Akins' search warrant application, including  
11 making a telephone call under Detective Akins' direction, and reviewing at least  
12 that part of Detective Akins' search warrant affidavit pertaining to the phone call  
13 that he allegedly placed on September 17, 2009, during which Mr. Al Ghamdi  
14 allegedly offered to sell drugs. ECF No. 153, at 5; ECF No. 158, at 37-38; ECF  
15 No. 163-1, at 4. If this portion of the warrant affidavit about Detective Negrete's  
16 own actions contained false or misleading information deliberately or recklessly  
17 made, and Detective Negrete reviewed that portion of the search warrant affidavit  
18 as he testified, then Detective Negrete could be liable for failing to intercede prior  
19 to the obtaining and execution of the search warrant on Plaintiffs' home. *Cf.*  
20 *Ramirez*, 298 F.3d at 1029-30 (holding that an ATF agent could not be liable under

1 a theory of failing to intercede where the agent “was not aware that the warrant  
2 was defective until long after the search was completed”).

3 Therefore summary judgment is denied as to Plaintiffs’ claim that Detective  
4 Negrete failed to prevent the execution of an allegedly invalid search warrant.  
5 Summary judgment is granted on this claim against Detective Negrete as it relates  
6 to Plaintiffs’ allegations of excessive force, failure to knock-and-announce, and  
7 false arrest.

#### 8 **E. Malicious prosecution**

9 Detective Negrete argues that he is entitled to summary judgment on  
10 Plaintiffs’ claim of malicious prosecution. Plaintiffs have agreed that summary  
11 judgment is appropriate on this claim as to Detective Negrete. ECF No. 157, at 2,  
12 14. Therefore, summary judgment is granted in favor of Detective Negrete on this  
13 claim.

#### 14 **F. Punitive Damages**

15 Plaintiffs’ Amended Complaint seeks punitive damages against all  
16 individually named defendants, including Detective Negrete, for violations of their  
17 civil rights. ECF No. 3, at 19. Detective Negrete contends that Plaintiffs cannot  
18 meet the standard for imposing punitive damages in this case.

19 Punitive damages are available in a § 1983 action involving “malicious,  
20 wanton, or oppressive acts or omissions.” *See Dang v. Cross*, 422 F.3d 800, 807



1 (9th Cir. 2005). If Plaintiffs are to succeed on their judicial deception claim at  
2 trial, they must demonstrate that the defendants “deliberately or recklessly made  
3 false statements or omissions that were material to the finding of probable cause.”  
4 *KRL v. Moore*, 384 F.3d 1105, 1117 (9th Cir. 2004). Similarly, to succeed on their  
5 claim of failure to intercede against Detective Negrete, Plaintiffs would have to  
6 show that Detective Negrete knew that the search warrant was defective and failed  
7 to prevent the execution of an invalid warrant. *See Ramirez*, 298 F.3d at 1029-30.  
8 To succeed on their punitive damages claim, Plaintiffs must prove similar actions.

9 In other words, the same evidence that Plaintiffs relied on in defending  
10 against summary judgment on their claim of judicial deception and failure to  
11 prevent a violation of Plaintiffs’ civil rights raises a genuine issue of material fact  
12 as to whether the defendants acted in a malicious, wanton, or oppressive manner  
13 justifying punitive damages. Were the jury to determine at trial that Detective  
14 Akins and Negrete deliberately or recklessly falsified or omitted information in the  
15 search warrant affidavit, the jury could further infer that the defendants’ conduct  
16 was driven by the requisite motive or intent to support an award of punitive  
17 damages. Therefore, summary judgment is denied as to Plaintiffs’ claim for  
18 punitive damages at trial.

19 Accordingly, **IT IS HEREBY ORDERED** that Detective Negrete’s Motion  
20 for Summary Judgment, **ECF No. 150**, is **GRANTED IN PART AND DENIED**

1 **IN PART.** Summary judgment is denied as to Plaintiffs' claims of judicial  
2 deception and failing to prevent civil rights violations, and further denied as to the  
3 issue of punitive damages. However, summary judgment is granted in favor of  
4 Detective Negrete on all other claims asserted against him.

5 The District Court Clerk is directed to enter this Order and provide copies to  
6 counsel.

7 **DATED** this 11th day of October 2013.

8  
9 *s/ Rosanna Malouf Peterson*

10 ROSANNA MALOUF PETERSON  
11 Chief United States District Court Judge  
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